

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

TAILORED BRANDS, INC. *et al.*,¹

Debtors.

Chapter 11

Case No. 20-33900 (MI)

(Jointly Administered)

**JOINDER OF C&B REALTY #2 LLC, C&B REALTY #3 AND
SIMCO MANAGEMENT CO., LLC IN THE OBJECTIONS OF VARIOUS
LANDLORDS AND THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS
TO THE DEBTORS' MOTION FOR ENTRY OF AN ORDER (A) APPROVING THE
DISCLOSURE STATEMENT, (B) ESTABLISHING THE VOTING RECORD DATE,
VOTING DEADLINE, AND OTHER DATES, (C) APPROVING PROCEDURES FOR
SOLICITING, RECEIVING, AND TABULATING VOTES ON THE PLAN, AND (D)
APPROVING THE MANNER AND FORMS OF NOTICE AND OTHER RELATED
DOCUMENTS AND THE DISCLOSURE STATEMENT FOR THE DEBTORS' FIRST
AMENDED JOINT PLAN OF REORGANIZATION PURSUANT TO CHAPTER 11 OF
THE BANKRUPTCY CODE, AND RESERVATION OF RIGHTS**

C&B Realty #2 LLC (“**C&B #2**”), C&B Realty #3 LLC (“**C&B #3**”) and Simco Management Co., LLC (“**Simco**” and, together with C&B #2 and C&B #3, collectively, the “**Landlords**”) by their attorneys, Jaspan Schlesinger LLP, join in all similarly situated landlords’ objections and responses (collectively, the “**Other Landlord Objections**”), as applicable, and the objection of The Official Committee of Unsecured Creditors (the “**Committee’s Objection**”) to the *Debtors’ Motion For Entry Of An Order (A) Approving The Disclosure Statement, (B) Establishing[The Voting Record Date, Voting Deadline, And Other Dates, (C) Approving Procedures For Soliciting, Receiving, And Tabulating Votes On The Plan, And (D) Approving The Manner And Forms of Notice And Other Related Documents* [ECF Docket No. 524] (the “**Motion**”) and the

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at <http://primeclerk.com/TailoredBrands>. The location of the Debtors' service address in these chapter 11 cases is: 6100 Stevenson Boulevard, Fremont, California 94538.

Disclosure Statement for the Debtors' First Amended Joint of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code [ECF Docket No. 720] (the “**Disclosure Statement**”) for the reasons set forth in the Other Landlord Objections and the Committee’s Objections [to the extent the Committee’s objection is relevant to the Landlords], and respectfully represent as follows:

RELEVANT BACKGROUND

1. On August 2, 2020, the Debtors commenced their cases under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”), which are now pending before this Court.

2. The Debtors continue to operate their businesses and manage their properties as debtors and debtors in possession pursuant to Bankruptcy Code §§ 1107(a) and 1108. No trustee or examiner has been appointed in these cases.

3. On August 11, 2020, the Office of the United States Trustee appointed the Committee.

4. On August 17, 2020, the Debtors filed their *Joint Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code* [ECF Docket No. 347] and *Disclosure Statement for the Debtors' Joint Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code* [ECF Docket No. 348].

5. On September 3, 2020, the Debtors filed the Motion.

6. On September 25, 2020, the Debtors filed the amended Disclosure Statement and *First Amended Joint Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code* [ECF Docket No. 719] (the “**First Amended Plan**”).

7. Pursuant to the *Notice of Reset of Disclosure Statement Hearing* [ECF Docket No. 678], a hearing to approve the Motion and the Disclosure Statement (for the First Amended Plan) is

currently set for October 8, 2020 at 1:30 p.m. (Central Time).

8. C&B #2 and debtor, The Men's Wearhouse, Inc. are parties to a certain lease agreement made as of September 8, 1998 (together with all modifications, amendments and extensions, the "**C&B #2 Lease**"), for approximately 5,888 square feet of space at the Smith Haven Plaza Shopping Center, 2073 Smith Haven Plaza, Lake Grove, New York 11755-1209, Men's Wearhouse Store # 5405. The current term of the C&B #2 Lease will expire on February 29, 2024. As of the date hereof, the Debtors have not sought to assume or reject the C&B #2 Lease.

9. C&B #3 and debtor, The Men's Wearhouse, Inc. are parties to a certain lease agreement made as of June 2, 2002 (together with all modifications, amendments and extensions, the "**C&B #3 Lease**"), for approximately 5,919 square feet of retail space at the Woodbury Plaza Plainview Shopping Center, 413 South Oyster Bay Road, Plainview, New York 11803, Men's Wearhouse Store # 5418. The current term of the C&B #3 Lease will expire on February 28, 2023. As of the date hereof, the Debtors have not sought to assume or reject the C&B #3 Lease.

10. Simco and debtor, Jos A. Bank Clothiers, Inc. are parties to a certain lease agreement dated October 20, 2010 (together with all modifications, amendments and extensions, the "**Simco Lease**"), for approximately 5,169 square feet of space located at 1516 Northern Boulevard, Manhasset, New York 11030, Jos. A. Bank Store # 0855. The term of the Simco Lease will expire on December 31, 2023. However, the Simco Lease is included in the *Debtors' Second Notice of Rejection of Certain Unexpired Leases* [ECF Docket No. 482].

11. Each of the aforementioned leases is a lease "of real property in a shopping center" as that term is used in Bankruptcy Code § 365(d)(3). *See In re Joshua Slocum, Ltd.*, 922 F.2d 1081, 1086-87 (3d Cir. 1990).

JOINDER

12. The Landlords do not object to the Debtors' efforts to confirm a plan of reorganization. However, the Disclosure Statement as currently drafted fails to provide adequate information as required under Bankruptcy Code § 1125(a) for landlords like C&B #2, C&B #3 and Simco to make informed decisions with respect to the Disclosure Statement. The Landlords join, as if restated in full herein, the Other Landlord Objections. Additionally, to the extent the Committee's Objection is relevant to the Landlords, the Landlords join, as if restated in full herein, in the Committee's Objection.

13. The Landlords hereby join in and incorporation hereby by reference, as if restated herein, each of the arguments, legal citations and prayers for relief set forth in the Other Landlord Objections and the Committee's Objection.

RESERVATION OF RIGHTS

14. C&B #2, C&B #3 and Simco hereby reserve all of their rights to amend and/or supplement this Joinder, and to make such other and further objections as the Landlords may deem necessary or appropriate, including, but not limited to, any proposed Order for the Motion, or any amendments or modifications to the Disclosure Statement.

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WHEREFORE, for all of the foregoing reasons, Landlords respectfully request that this Court deny approval of the Disclosure Statement as currently presented and grant such other relief as is appropriate and just.

Dated: Garden City, New York
October 2, 2020

JASPAN SCHLESINGER LLP
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C&B Realty #2 LLC, C&B Realty #3, LLC
and Simco Management Co., LLC

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of October 2020, a copy of the foregoing Joinder and Reservation of Rights was served via the Court's electronic case filing systems (CM/ECF) to all parties registered to receive such notice in the above-captioned cases.

s/Sophia A. Perna-Plank

Sophia A. Perna-Plank